

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 6, and 10 are requested to be cancelled. Claims 1, 3, 5, 8, 9, 11-13, and 17 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action, claims 1-11 and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoyama et al. (U.S. Patent No. 6,488,353) in view of Ohta (U.S. Patent No. 6,897,978). Claim 1 recites that an image analyzing device comprises a storage section which stores image data obtained by processing reference chart data including a plurality of patterns for sampling each of a plurality of characteristic quantities indicating characteristics of a defective image, by using a device targeted for checking. An image analyzing section samples a characteristic quantity of a region in each of the plurality of patterns expressed in the image data stored in the storage section based on a reference chart characteristic list describing a characteristic of each pattern in the reference chart data, the image analyzing section performing a different processing for each different pattern in the image data so as to sample different characteristic quantities. A correlation table associates each of one or more labels for classifying a defective image with at least one of the characteristic quantities corresponding to the respective label. A label specifying section specifies the label for a region in a pattern in which the characteristic quantity is sampled by the image analyzing section from among the plurality of patterns expressed in the image data by referring to the correlation table.

Itoyama discloses that test pattern image data is read out from a ROM 7, printed on a print medium, and read by a scanner 1 (col. 8, lines 57-61). Each pixel of the image data read by the scanner is compared to a threshold, such that a blank circle is placed in an image data

table if the corresponding pixel is greater than the threshold, and a cross is placed in the image data table if the corresponding pixel is less than the threshold (col. 9, lines 3-14). If a cross is detected in the table, it is recognized that a defect exists (col. 9, lines 14-21). A blank line in the main scanning direction indicates a nozzle defect, a blank line in the sub scanning direction indicates a defect in the optical system, and a blank cross in the main and sub scanning directions indicates a defect in a nozzle and the optical system (col. 9, lines 22-47).

In the rejection, it was asserted that Itoyama discloses each of the recitations of claim 1 except Itoyama fails to disclose or suggest a plurality of patterns on the test sheet. Applicant agrees that Itoyama fails to disclose or suggest a plurality of patterns on the test sheet. However, Itoyama also fails to disclose or suggest an image analyzing section performing a different processing for each different pattern in the image data so as to sample different characteristic quantities, as recited in claim 1. Since Itoyama fails to disclose or suggest a plurality of patterns, Itoyama necessarily fails to disclose or suggest a different processing for each different pattern. Moreover, Itoyama discloses that the same processing is done for each pixel to determine the same characteristics, i.e., by comparing density to a threshold to determine any defects in a nozzle and/or the optical system. Accordingly, Itoyama fails to disclose or suggest a different processing for each different pattern so as to sample different characteristic quantities.

Ohta fails to cure the deficiencies of Itoyama. Ohta does disclose a test pattern with a plurality of patches in which each patch is at a different gradation level of a particular color (e.g., Figs. 1-2 and 6-8). However, Ohta discloses that the same processing is done for each pattern to determine the same characteristics (see, e.g., col. 5, line 34 – col. 8, line 30). Therefore, like Itoyama, Ohta fails to disclose or suggest an image analyzing section performing a different processing for each different pattern in the image data so as to sample different characteristic quantities, as recited in claim 1. Accordingly, even if combinable, claim 1 is patentably distinguishable from the combination of Itoyama and Ohta.

Claims 2-3, 5, and 7-8 are patentably distinguishable from the combination of Itoyama and Ohta by virtue of their dependence from claim 1, as well as their additional recitations. Claim 9 is patentably distinguishable from the combination of Itoyama and Ohta for reasons

analogous to claim 1. Claims 13-21 are patentably distinguishable from the combination of Itoyama and Ohta by virtue of their dependence from claim 1, as well as their additional recitations.

Lastly, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Itoyama and Ohta, and further in view of Allen et al. (U.S. Published Patent Application No. 2002/0180996). Like Itoyama and Ohta, Allen et al. fails to disclose or suggest an image analyzing section performing a different processing for each different pattern in the image data so as to sample different characteristic quantities, as recited in claim 9. Accordingly, even if combinable, claim 12 is patentably distinguishable from the combination of Itoyama, Ohta, and Allen et al. by virtue of its dependence from claim 9, as well as its additional recitations.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11 / 22 / 05

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

By  Reg. No. 40,888

*by* Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888